

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
NORTHERN DIVISION

TRAVIS PEARSON, *et al.*, INDIVIDUALLY
AND ON BEHALF OF ALL OTHERS
SIMILARLY SITUATED,

Plaintiffs,

vs.

CSK AUTO, INC.

Defendant.

CASE NO. 1:12-CV-2905

JUDGE CHRISTOPHER A. BOYKO

**PLAINTIFFS' REPORT OF PARTIES'
PLANNING MEETING UNDER FED. R.
CIV. P. 26 (f) AND L.R. 16(b)**

1. Pursuant to Fed. R. Civ. P. 26(f) and L.R. 16.3(b), a meeting was held on March 6, 2013 and was attended by: Ryan Winters, counsel for Plaintiffs & Colleen Lewis and Allison Goico, counsel for Defendants.

2. The parties agreed to exchange pre-discovery disclosures required by Rule 26(a)(1) and the Court's prior order by March 18, 2013.

3. Plaintiffs recommend this case be placed on the regular track.

4. Pursuant to Local Rule 5.1(c) all documents must be electronically filed absent a showing of good cause.

5. Plaintiffs and Defendant agree that this case may be suitable for ADR after discovery.

6. Plaintiffs and Defendants do not consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636(c).

7. Recommended discovery plan: Plaintiffs and Defendant were unable to agree on a recommended discovery plan for several reasons. The following reflect some of the differences:

(a) Defendants did not agree that allegations in the Complaint included editing of time records and needed to be included in the discovery plan. (First Amended Complaint, ¶ 25; Defendant's Report, p.2).

(b) Defendants seek to delay their reply to Plaintiff's Conditional Certification motion until October 16, 2013. Since the statute of limitations is continuing to run on potential Plaintiffs, this plan is highly prejudicial to the putative FLSA Collective.

(c) Defendants appear to wish to delay Rule 23 discovery until after the Court rules on conditional certification of the FLSA Collective, for reasons not understood by Plaintiffs.

(d) As Defendants correctly report, Plaintiffs intend to amend the complaint to limit the scope of the FLSA Collective to Cleveland-area CSK Auto stores. Plaintiffs recently learned that there is a first filed nationwide class action in this matter pending in California. Plaintiffs agree that it is difficult to agree to deadlines until the amended Complaint is filed.

8. Recommended cut-off date for amending the pleadings and/or adding additional parties: Plaintiffs agree that the parties should be allowed until May 15, 2013 to amend the pleadings or join additional parties.

9. Recommended dispositive motion date. Plaintiffs agree it is premature to set dates in this matter.

10. Recommended date for status hearing/settlement conference. Plaintiffs seek status hearing/settlement conference within one week of the close of the opt-in period.

11. Other matters for the attention of the Court: Given the parties' lack of agreement as to discovery, as well as the proposed amendments to the complaint restricting this case from a nationwide FLSA case to a Cleveland-area case, Plaintiffs would recommend delaying the current CMC until sometime after next week, when the Second Amended Complaint will be filed.

Respectfully submitted,

/s/ Ryan A. Winters
Ryan A. Winters (0086917)
Joseph F. Scott (0029780)
SCOTT & WINTERS LAW FIRM, LLC
815 Superior Ave. E. Suite 1325
Cleveland, OH 44114
Telephone: 440-498-9100
Fax: 216-621-1094
ryan@winterslawfirm.com
jfscld@yahoo.com

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was filed electronically on this 12th day of March, 2013. Notice of this filing will be sent to all parties indicated on the Court's electronic filing receipt.

/s/ Ryan A. Winters
Ryan A. Winters (0086917)

